

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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KING VISION PAY-PER-VIEW LTD.,

Plaintiff,

ORDER

- against -

CV 2005-3096 (CPS) (MDG)

HECTOR MARCIAL, et ano,

Defendant.

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By letter dated January 17, 2006, plaintiff submitted a letter request pursuant to Local Rule 37.3 to compel responses to certain interrogatories and document requests. Defendant has not submitted any response. Upon review of the letter application, this Court finds that most of the disputed requests are likely to elicit responses that are relevant to the issues in this case.

It is hereby ORDERED as follows:

1. The letter application is granted, except for the following:

a. Interrogatory 19 is limited the identification of the defendant's accountant and bookkeeper for 2004,

b. Request 9 is limited the employee records which identify the time that each employee commenced and discontinued work at the defendant's establishment on the date of the Event (October. 2, 2004) and the addresses of such employees working on that day.

c. Request 10 is stricken since the records sought are for a time period bearing no relationship to this case.

d. Request 13 is denied since plaintiff has not established a "compelling need" for the tax returns and information sought. S.E.C. v. Cymaticolor Corp., 106 F.R.D. 545, 547 (S.D.N.Y. 1985); Russell v. Del Vecchio, 764 F.Supp. 275 (E.D.N.Y. 1991). This ruling is without prejudice to a further application should defendant fail to provide the business records sought in Requests 11 and 12.

2. Defendant must provide by March 6, 2006 responses to all the discovery requests that are the subject of plaintiff's letter application, as limited above by this Order.

3. Discovery is extended to April 6, 2006 and the next conference is adjourned to April 7, 2006 at 11:00 a.m.

**SO ORDERED.**

Dated: Brooklyn, New York  
February 20, 2006

/s/\_\_\_\_\_  
MARILYN D. GO  
UNITED STATES MAGISTRATE JUDGE